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GAROFALO, BARON RAFFAELE. *Criminology*. (Translated by Robert W. Millar.) Pp. xl, 478. Price, \$4.50. Boston: Little, Brown and Company, 1914.

Physical Bases of Crime. (Papers and Discussion contributed to the 38th Annual Meeting of the American Academy of Medicine, Minneapolis, June 14, 1913.) Pp. 188. Price, \$4.00. Easton: American Academy of Medicine, 1914.

The first volume is the seventh in the series of nine books selected for translation by the American Institute of Criminal Law and Criminology from the leading continental writers. It was translated by Robert Wyness Millar of the Northwestern Law School.

In the list of scholars who have given to the world the modern science of criminology none is more worthy to stand close beside its gifted founder, Caesar Lombroso, than the author of this work. At present Baron Garofalo is procurator-general at the court of appeal of Venice, senator of the Kingdom of Italy, adjunct professor of criminal law and procedure of the University of Naples, and president of the Italian Society of Sociology.

The scope of the book is best presented in a skeletal outline: Part I, Crime, has two chapters dealing with natural crime and the legal notion of crime; Part II, the criminal, with three chapters—criminal anomaly, social influences and influences of the laws; Part III, repression, four chapters; the law of adaptation, existing theories of criminal law, defects of existing criminal procedure, and the rational system of punishment; Part IV, outline of principles—suggested as a basis for an international criminal code.

A brief review could not give any adequate criticism of such a work. We present, therefore, a mere statement of a few of the leading ideas, for which the author has contended for twenty-five years.

The Theory of Crime. In the nature of things, crime cannot be a juridical abstraction. It is "an action which wounds some one of the sentiments which, by common consent, are called the moral sense of a human aggregation. . . . an act which no civilized society can refuse to recognize as criminal and repress by means of punishment." Injury to one of the elementary altruistic sentiments of pity or probity are its essential elements. "The injury must wound these sentiments, not in their superior and finer degrees, but in the average measure in which they are possessed by a community—a measure which is indispensable for the adaptation of the individual to society. Such crimes are due to "psychic anomalies—exceptions similar to physical monstrosities."

Crime so considered remains a constant factor in the midst of changing laws and moralities, applicable among all peoples whatever the stage of culture.

Classification of Criminals. The author criticizes Ferri's classification of (1) born, (2) habitual, (3) occasional, (4) passionate and (5) insane criminals, as unscientific from the anthropological point of view. His classification is (1) murderers, (2) violent criminals, (3) criminals deficient in probity and (4) lascivious. In the phraseology of this classification one is impressed with the idea that it belongs rather to the classical school philosophy, and turns attention to the character of the crime rather than to the nature of the criminal, but a careful reading of his discussions clears away this difficulty. He says: "To

fight with any hope of success we must know our enemy" and his attempt is to get at the real essence of criminality. Every one who has attempted to use Ferri's classification as a basis of inductive studies has encountered the very difficulties which Baron Garofalo has pointed out.

Enforced Reparation as a Form of Repression. For many years the author has reacted against the forms of punishment which have had as a motive expiation, retaliation or vengeance, and even intimidation. Results from these methods have been hopelessly inadequate. Not only should the victim of crime obtain indemnity from the offender, a thing almost entirely lacking in criminal law, but the enforced reparation would be the most natural and valuable discipline for the criminal.

This volume will give little comfort to the critics of the Italian School who, in their haste to expose what they have regarded as palpable errors, have taken altogether too narrow a view of its claims. Breadth of vision is not the least conspicuous characteristic of the author's work. It is a great book.

Physical Bases of Crime. The American Academy of Medicine was organized originally to secure the standardization of medical education. Since this task is now accomplished, it has turned its attention to the study and discussion of social problems which have a basis in physiology or medicine, or which in any vital way involve the members of the medical profession. The volume under review is a compilation of the papers read before the annual meeting of the Academy held in Minneapolis in June, 1913, and presents the subject from various points of view. Papers were contributed by physicians and surgeons; professors of education, physics, sociology, psychology, law; superintendents of hospitals, reformatories and prisons. The discussions considered the bases of crime in relation to physiologic and psychologic inheritance, pathologic conditions; as a result of feeble-mindedness and insanity; as a product of alcoholism, and specific diseases; as the outgrowth of social conditions, education, parental influences, etc. Commenting on the papers presented, the *Journal of the American Institute of Criminal Law and Criminology*, September, 1913, said, editorially (p. 321): "With no desire to disparage any feature of the program, it may be asserted that the report on 'Heredity as a Factor in Criminality, a Study of the Findings in About a Thousand Cases' reached the high water mark. . . . It represented intensive research and the results reported are of far-reaching value for a theory of the criminal. Up to date it is the most extensive and intensive study of its kind."

The bringing together of such a group of serious scholars, not to exploit any theory or hypothesis, but to confer upon the interrelations of the various scientific studies with a view to the better understanding of the bases of the unsocial habits which we call criminal is an achievement of no little moment. The group of students represented in this meeting would be the last to declare that any finality in the explanation of crime has been reached, but there is the conspicuous absence of any feeling of uncertainty in regard to the value of the positive method of study and investigation. It will be very disconcerting to those who still prefer to think of crime as the result of a deliberate choice of evil to come in contact with this book.

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